

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with Community Development Director Glen Black and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

Pledge of Allegiance

The Mayor led everyone present in the Pledge of Allegiance.

Changes to the Agenda

There were none.

Minutes

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to approve the minutes of March 3, 2009 regular meeting as submitted by the Clerk. All in favor, motion carried.

Citizen Comments

There were none.

Appointment of Planning Commission

It was moved by Councilmember Jurca and seconded by Council Carlquist to appoint Richard Simmons, Lucretia Oelke, and Gerald Roberts to the Planning Commission. All in favor, motion carried.

Financial Report

Finance Director Tod DeZeeuw presented the financial report for the period ending February 28, 2009 and answered questions from Council.

Business Enhancement Report

Renee McRay presented the business report for the month of February and answered questions from Council.

Transfer of Ownership, Beer and Wine License**HAP Food Enterprises, Inc./DBA Davetos Italian Restaurant**

The Clerk explained that HAP Food Enterprises, Inc. has purchased Davetos Italian Restaurant from Davetos LLC. The application is complete, all fees have been paid and the three owners Carl Craig Hasto, Teri Lea Alexander and David Vinton Purdum have been fingerprinted which have been sent to CBI and FBI. Ms. Nelson stated that the Police Department has completed a records check on all applicants and indicates none have a record. At this time they are operating under a temporary license that was issued today.

It was moved by Councilmember Carlquist and seconded by Councilmember Seuell to approve the transfer of the Davetos Italian Restaurant Beer and Wine License from Davetos LLC to HAP Food Enterprises Inc./DBA Davetos Italian Restaurant, contingent on receiving favorable fingerprint reports on the new owners. All in favor, motion carried.

Amended Plat of Habitat PUD, Lot B

Community Development Director Glen Black reported that the Habitat PUD located at 338 Riley Lane is a four lot subdivision on which building envelopes were designated for each lot. The building envelopes were more restrictive than the normal setbacks would have been for the R-2 zone. The applicant is requesting that on Lot B the envelope be enlarged from the 10.5 foot setback shown on the plat to 5 foot as the R-2 zone would allow. Planning Commission has recommended that City Council approve the plat amendment.

Regular Meeting, Delta City Council, March 17, 2009 (Cont.)

Amended Plat of Habitat PUD, Lot B (cont.)

It was moved by Councilmember Seuell and seconded by Councilmember Jurca to approve the Habitat PUD Lot B Plat amendment changing the building envelope. All in favor, motion carried.

Council Bill #2, 2009; First Reading
Rezone of 1397 East 7th Street

Council Bill #2, 2009

AN ORDINANCE OF THE CITY OF DELTA, COLORADO,
CHANGING THE ZONING DESIGNATION OF PROPERTY AT
1397 EAST 7TH STREET FROM AN A-1 DISTRICT TO A R-2
DISTRICT

was read by the Clerk.

Community Development Director Glen Black stated that this property is located at what will be the extension of Pioneer Road which is owned by the City of Delta. Planning Commission reviewed this request at their March 2, 2009 meeting and recommends changing the zone district to R-2. Mr. Black showed slides of the property. He explained that one of the criteria that they looked at was the City's Future Land Use Map. The map is part of the City's Comprehensive Plan which has designated this area as medium density residential.

There was discussion on the extension of Pioneer Road.

There was also discussion on the zoning of the adjacent properties and spot zoning.

Mr. Black explained that because this property is on the City's Future Land Use Map as being medium density residential spot zoning does not apply.

City Attorney Michael Schottelkotte confirmed Mr. Black's statement.

Councilmember Pfalzgraff commented that this is compatible with what the City is trying to accomplish.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Carlquist to adopt Council Bill #2, 2009 on first reading. Roll call vote: Councilmembers Carlquist aye, Jurca aye, Pfalzgraff aye, Seuell aye and Cooper aye. Motion carried.

City Attorney Comments

There were none.

City Manager Comments

There were none.

Councilmember Comments

Councilmember Carlquist commented that the Volunteers of America received approval to submit a RFP for the senior nutrition program.

Councilmember Pfalzgraff reported that the meeting with the Planning Commission was enjoyable and productive.

Councilmember Seuell complimented the golf course on the meal that was provided at that meeting.

Mayor Cooper stated that she had lunch at the Delta Middle School with the students and complimented them.

Executive Session

It was moved by Councilmember Carlquist and seconded by Councilmember Jurca to convene an Executive Session for a conference with the City Attorney for the purpose of receiving legal

Regular Meeting, Delta City Council, March 17, 2009 (Cont.)

Executive Session (cont.)

advise on specific legal questions pursuant to CRS 24-6-402(4)(b), or more specifically for discussions on the Tri-County Water Contract, the Michael Simonds litigation and the Business Enhancement Contract with the Chamber of Commerce. All in favor, motion carried.

At 7:22 p.m. the Regular Meeting was recessed. The Executive Session was convened a short time later.

At 8:13 p.m., the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Kay Carlquist, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with Community Development Director Glen Black, and City Attorney Mike Schottelkotte. For the record, the Mayor asked any person participating in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his or her concerns for the record. No concerns were stated.

Consideration of Memorandum of Understanding

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the memorandum of understanding that has been provided by the City of Montrose to the City of Delta for sharing of legal fees and costs relating to any litigation hereafter indicated by both cities against the Tri-County Water Conservancy District for recovery of monies due under the contracts dated September 23, 1977, with the Mayor and Clerk of Delta authorized to sign such memorandum on the City's behalf.

The meeting was adjourned at 8:14 p.m.

Jolene E. Nelson, City Clerk